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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,448

05/08/2006

Armanda Cinderella Nieuwkerk

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PRITCHETT, JOSHUA L

ART UNIT

PAPER NUMBER

2872

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/578,448	Applicant(s) NIEUWKERK ET AL.	
	Examiner JOSHUA L. PRITCHETT	Art Unit 2872	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) 2-6, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to Preliminary Amendment filed May 8, 2006. Claims 7 and 10 were amended as requested by the applicant.

#### ***Claim Objections***

Claims 2-6, 10 and 11 objected to because of the following informalities: claim 2 refers to a color generation means, but claim 1 does not require the presence of a color generation means. Claim 10 requires a further polarizing mirror but claim 1 does not require a further polarizing mirror. The remaining claims depend from claims 2 and 10 and inherit the deficiencies thereof. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2 and 7-11 rejected under 35 U.S.C. 102(a) as being anticipated by Horsten (WO 03/079318).

Regarding claim 1, Horsten discloses a mirror (1) for viewing purposes having a first plane (2) reflecting light of a first kind of polarization to a viewing side, the mirror passing light of a second kind of polarization (p. 1 lines 1-14) and being provided with a display device (5) at its non-viewing side which display device during use provides light of the second kind of polarization (abstract) the mirror display device having at the non-viewing side at least one of a group comprising a further polarizing mirror (16).

Regarding claim 2, Horsten discloses the polarizing mirror between an electro-optical layer (7) and a color generation means (Fig. 1).

Regarding claim 7, Horsten discloses polarizing means (14).

Regarding claim 8, Horsten discloses the polarizing means at its viewing side comprises a liquid crystal layer comprising a dye (page 7 lines 1-7).

Regarding claim 9, Horsten discloses the polarizing means at its viewing side comprises a half wave retarder and a polarizer (p. 6 lines 32-34).

Regarding claim 10, Horsten discloses a switchable polarizing mirror (12).

Regarding claim 11, Horsten discloses the polarizing means between the display device and the further polarizing mirror comprising between two substrates a liquid crystal layer comprising a dye (p. 5 lines 18-23).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horsten (WO 03/079318) in view of Conner (US 7,015,991).

Horsten teaches the invention as claimed but lacks reference to a color filter. Conner teaches the use of a color filter (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Horsten invention include a color filter as taught by Conner for the purpose of efficiently separating out unwanted wavelengths of light.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horsten (WO 03/079318) in view of Yoo (US 2004/0036672).

Horsten teaches the invention as claimed but lacks reference to a color sequential backlight. Yoo teaches a color sequential backlight (Fig. 6; para. 0043). Yoo teaches the backlight emitting narrow bands of light (para. 0048). Yoo teaches the bands of light having a bandwidth of 20nm (Fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Horsten invention include a color sequential backlight as taught by Yoo for the purpose of increasing the observed light intensity.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA L. PRITCHETT whose telephone number is (571)272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua L Pritchett/  
Primary Examiner  
Art Unit 2872